

EXHIBIT D: ODRC MAIL POLICIES

You have received a *jpay* letter, the fastest way to get mail

From : JPay Representative
To : JOSEPH SHINEJOHNSON, ID: A734401
Date : 3/28/2022 11:20:35 PM EST, Letter ID: 1451619399
Location : BECI
Housing : A10064B

Dear Incarcerated Person:

We are writing to update you about ODRC's implementation of the new Legal Mail policy and procedures.

As a reminder, the new process requires each piece of Legal Mail to have a control number on it. Attorneys can generate control numbers by registering on our ODRC website.

ODRC created a new departmental policy (75-MAL-03) to direct the new Legal Mail process. That policy went into effect on February 1, 2022. You can access the policy in your institution library.

Please be advised: Beginning April 1, 2022, ODRC will be strictly enforcing the requirement that all Legal Mail have a control number. This means that any mail that does not have a control number, even if it is stamped or marked "Legal Mail," will be treated as regular mail. This means that it will be opened, copied and delivered to you as regular mail.

We have been working closely with facility staff to implement the new Legal Mail process. Any questions about this process may be directed to your facility staff.

Thank you,

ODRC Office of Legal Services

***jpay* Tell your friends and family to visit www.jpay.com to write letters and send money!**

EXHIBIT D

ODRC Policy/Operation Manual Variance Request

Variance to ODRC Policy/Operation Manual #: 75-MAL-01		Section(s): VI A-14	
Policy/Operation Manual Name: Incarcerated Individual Mail			
Managing Officer or designee Submitting the Request: Ernie Moore		Signature	
Policy Owner Signature Brian J Niceswanger		Date: 8/16/2021	
Date of Request: Aug 16, 2021	Length of Request: Expires 3/1/2022 <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> 180 days <input checked="" type="checkbox"/> other	Effective Date of Variance: September 15, 2021	Applicable to: All facilities Next revision

Please provide a full explanation of the requested variance including the justification for the request. Please be specific as to exactly what sections and language are being revised. Explain revision necessary prior to routine revision of the policy. (Attach additional sheets if necessary):
75-MAL-01 Section VI A-14 is modified to allow 72 hours, excluding weekends, holidays, or emergency situations to process and deliver incoming legal mail to incarcerated individuals. The additional 24 hours are needed to aid in the identification and interception of contraband into DRC institutions.

Comments:

Bureau of Operational Compliance (A. Moon) is currently seeking a waiver with ACA for standard 5-ACI-7D-09 (4495).

<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Central Office Policy Review Chairperson: Jondrea K Parrish	Date: 8/16/2021
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Comments:

<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Deputy Director or Regional Director: Ernie L. Moore	Date: 8/16/2021
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Comments:

<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Legal Signature: Jocelyn K Lowe	Date: 8/16/2021
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Decision/Comments:

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Director: <i>A.C. Smith</i>	Date: 9/14/21
Expiration of Variance: <input checked="" type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> 180 days <input type="checkbox"/> Next Revision		

3/1/22

10/5/21, 12:55 PM

Inmate Mail



Inmate Mail

Our inmate mail policy has changed. Please view the updated policy.

Please review carefully prior to sending additional mail.

[Updated Policy](#)

REGULAR MAIL:

1. All inmate mail and e-mail, other than legal mail, shall be opened, screened and inspected for the presence of cash, checks, money orders and/or other contraband. All mail shall be removed from the envelope. The front of the envelope shall be removed in such a way as to preserve the return address, inspected for the presence of contraband, and attached to the contents. The remainder of the envelope shall be discarded. Colored envelopes and/or colored mail contents are not permitted inside the institution. The front of the colored envelope and/or the colored contents shall be photocopied and the copies delivered to the inmate. The colored envelope/contents shall be discarded.
2. All inmate regular mail may be read or copied in the institution mail office. The written portion of the mail shall then be promptly delivered to the inmate unless it is a threat to security. Inmates shall be notified when incoming or outgoing letters are withheld in part or in full. Inmates and senders shall be notified using a Notice of Withholding (DRC4149). The inmate and sender shall receive notification using a Decision on Withholding/Correspondence (DRC4148) once a decision is made. If an e-mail is withheld and/or blocked due to content by an authorized DRC staff member, an automatic notification is sent to the sender/receiver of the e-mail and a separate Notice of Withholding (DRC4149) is not required.
3. When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security.
4. Postage and embossed envelopes shall be available for sale in the institution commissary and through DRC approved vendors. Envelopes ordered through an approved vendor will not count towards an inmate's package limits. Envelopes may not be mailed to inmates by individuals. Inmates may send one (1) letter each month at state expense to maintain community ties.

Please click here for the Attorney Registration Site and the Information Packet for Attorneys.

>

LEGAL MAIL:

1. Please click here for the Attorney Registration Site and the Information Packet for Attorneys.
 - i. Please note that the ACN- Access Control Numbers will be available starting July 1, 2021
2. Legal mail containing a disc(s) that had not been pre-approved per Administrative Rule 5120-9-19, Printed Material, shall be processed as legal mail. However, the discs may be subject to verification to determine the appropriate disposition of the material.
3. Inmates are permitted to send sealed letters to and receive sealed letters from a specified class of persons and organizations including, but not limited to, the following: courts, counsel, officials of the confining authority, state and local chief executive officers, administrators of grievance systems, the Correctional Institution Inspection Committee (CIIC), and members of the paroling authority. If confidentiality is required, such mail must be clearly addressed reflecting one of the above addresses and be marked as "legal mail." Legal mail may be opened and inspected for contraband only in the presence of the inmate addressee and in accordance with Administrative Rule 5120-9-18, Outgoing Mail.
4. Legal mail shall be logged on the Legal Mail Log (DRC2632) and delivered to the inmate addressee within forty-eight (48) hours.

1ST CLASS MAIL ENCLOSURES

Inmates may receive the following in a first class letter:

- Photographs (5) no nude, no Polaroid (no larger than 5 x 7)

EXHIBIT D

10/5/21, 12:55 PM

Inmate Mail

- Newspaper clippings (5) (no larger than 8 ½" x 11")
- Pamphlets or brochures (5) (simple, single page, no larger than 8 ½" x 11"); bi fold or tri fold
- Blank stationary or copied material (5) pages, no larger than 8 ½" x 11" (including materials copied from the internet)
- Greeting cards must be single fold only (multi-fold, musical and/or "pop out" cards are prohibited)
- Postage stamps, laminated stickers, etc. are prohibited

Such enclosures are still subject to screening and possible exclusion from the institution under Administrative Rule 5120-9-19, Printed Material, and DRC policy 75-MAL-02, Printed Material.

ADDITIONAL INFORMATION

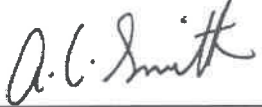
1. Incoming and outgoing letters shall be held for no more than forty-eight (48) hours and packages shall be held for no more than seventy-two (72) hours, excluding holidays and weekends.
2. Letters which are incorrectly addressed may be returned to the sender after a reasonable effort to ascertain the addressee has failed.
3. First class letters, legal mail, and packages shall be forwarded in a timely manner to the inmate's new address, if it is known, following an inmate's transfer or release. The inmate forwarding address shall be recorded either in the cashier's office or DOTS Portal, based on the offender's date of release. Both areas should be consulted to verify the forwarding address. All forwarding items shall be logged on the Mail Forwarding Log (DRC2633). All packages shall be logged on the Inmate Package Log (DRC2631) on DOTS Portal. If this information is not available in either location, first class letters and packages shall be returned to sender as established in section VI.D of this policy.
4. All other procedures for handling incoming and outgoing correspondence are contained in Administrative Regulations 5120-9-17, Incoming Mail, and 5120-9-18, Outgoing Mail.
5. The mail department supervisor shall complete the Monthly Mail Report (DRC2316) and submit to the responsible deputy warden with a copy maintained at the institution.
6. DRC mailroom staff shall mail all inmates' outgoing mail addressed to the Internal Revenue Service (IRS) to the following address: Internal Revenue Service, Refund Tax Compliance, Attention: Blue Bag Room, Stop 975, Brookhaven Service Center, 1040 Waverly Avenue, Holtsville, NY 11742. Mailroom staff shall also transmit the following data on each prisoner associated with items mailed to the IRS: inmate's full name and inmate number; social security number; date of incarceration; and release date. The IRS will review the correspondence and take appropriate action. Additional information on the Blue Bag Program is available via email: prisoner_file@irs.gov or by calling the Blue Bag Hotline: 631-654-6191. *This procedure does not apply to incoming inmate mail from the IRS.*
7. A religious organization may send a religious medallion to an inmate subject to the possession limit, value limit, and certificate of ownership requirements of DRC policy 61-PRP-01, Inmate Personal Property.

More information can be found on our policies page.

Printed October 24th 2021
Exhibit D



Department of
Rehabilitation & Correction

SUBJECT: Inmate Mail	PAGE <u>1</u> OF <u>5</u> NUMBER: 75-MAL-01
RULE/CODE REFERENCE: 5120-9-17, 5120-9-18	SUPERSEDES: 75-MAL-01 dated 10/23/17
RELATED ACA STANDARDS: 4487, 4488, 44491 thru 4493, 4495, 4496;	EFFECTIVE DATE: September 3, 2019
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to set forth policy and procedures which govern inmate mail services including mail inspections.

III. APPLICABILITY

This policy applies to all inmates and staff of the Ohio Department of Rehabilitation and Correction (ODRC) and specifically mail clerk/screeners who process inmate mail and other staff who are responsible for reviewing or screening printed material intended for inmates.

IV. DEFINITIONS

E-Mail (electronic mail) - Electronic correspondence through a kiosk or ODRC approved electronic communication devices. Electronic mail is offered to inmates as an additional means of communication and is a privilege that may be suspended indefinitely for violations of institutional rules. Electronic mail is not suitable for confidential legal communications.

Legal Mail - Mail addressed to an inmate clearly bearing the return address of an attorney-at-law, a public service law office, a law school legal clinic, court of law, or the Correctional Institution Inspection Committee (CIIC). It may be opened and inspected for contraband only in the presence of the inmate-addressee. Postcards from a court of law indicating fees and/or fines owed are not considered legal mail.

SUBJECT: Inmate Mail

PAGE 2 OF 5

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to process inmate mail in an efficient, timely manner and to regulate inmate property in accordance with Administrative Regulations 5120-9-17, Incoming Mail, and 5120-9-18, Outgoing Mail.

VI. PROCEDURES

A. General Procedures:

Regular Mail:

1. Universal precautions, including minimum risk level personal protection equipment (PPE) as defined in ODRC policy 10-SAF-19, Fentanyl Exposure – Prevention and Response should be used when opening and processing incoming mail. Each institution shall have a written plan to address the proper handling of suspicious packages or envelopes to include isolation of the package and notification of appropriate staff and, if necessary, outside agencies. The written plan shall include steps for processing inmate mail, inmate legal mail and mail addressed to staff.
2. All incoming mail, except legal mail, shall be processed in an area located outside of the facility or in an area of the facility designated by the managing officer and approved by the appropriate regional director to minimize possible exposure. Each item shall be opened and processed under a ventless hood system designed to prevent the exposure of staff to potentially hazardous substances and contamination of the area.
3. Envelopes and/or packages suspected of containing contraband items shall be placed in an isolated area until such time as they can be opened by an ODRC staff member who has been trained to handle potentially hazardous materials.
4. Once the mail has been processed, it will be delivered inside the facility for distribution to the inmate.
5. All inmate mail, including electronic mail, other than Legal Mail, shall be opened, and may be read or copied in the institution mail room and inspected for the presence of cash, checks, money orders and/or other contraband. Any contraband received through the mail shall be documented on a Notice of an Unauthorized Item Received form (DRC4225) and disposed of in accordance with AR 5120-9-55, Contraband. All mail shall be removed from the envelope. The front of the envelope shall be copied in such a way as to preserve the return address and attached to the contents. The remainder of the envelope shall be discarded. Colored envelopes and/or colored mail contents, not to include greeting cards (see VI.B of this policy) are not permitted inside the institution. The front of the colored envelope and/or the colored contents shall be photocopied, and the copies delivered to the inmate. The colored envelope/contents shall be discarded.

EXHIBIT B**SUBJECT: Inmate Mail****PAGE 3 OF 5**

6. All inmate regular mail may be read or copied in the institution mail office. The written portion of the mail shall then be promptly delivered to the inmate unless it is a threat to security. Inmates shall be notified when incoming or outgoing letters are withheld in part or in full. Inmates and senders shall be notified using a Notice of Withholding (DRC4149). The inmate and sender shall receive notification using a Decision on Withholding/Correspondence (DRC4148) once a decision is made. If an e-mail is withheld and/or blocked due to content, an automatic notification is sent to the sender/receiver of the e-mail and a separate Notice of Withholding (DRC4149) is not required.
7. Incoming and outgoing letters shall be held for no more than 48 hours and packages shall be held for no more than 72 hours, excluding weekends and holidays or emergency situations.
8. When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security. All institutions shall provide certified mail services for inmates. Inmates may request certified mail service provided they bear the full cost of postage, the cost of certification and the cost of return receipts, if requested. When the receipt is returned, it shall be given to the inmate and not maintained in the mailroom.
9. Postage and embossed envelopes shall be available for sale in the institution commissary and through DRC approved vendors. Envelopes ordered through an approved vendor will not count towards an inmate's package limits. Envelopes may not be mailed to inmates by individuals. Inmates may send one letter each month for which DRC will pay current first-class postage rates as established by the United States Postal Service (USPS) for a standard letter to maintain community ties. Any additional postage costs shall be paid by the inmate. Inmates will also receive eight free electronic mail stamps for outbound email only, to include videograms and attachments, each month. Unused stamps will not be carried over to the next month.

Legal Mail:

10. Legal mail containing a disc(s) that had not been pre-approved per Administrative Rule 5120-9-19, Printed Material, shall be treated as contraband by the institution mailroom. The managing officer/designee shall determine the disposition pursuant to Administrative Rules 5120-9-17 and 5120-9-55.
11. Inmates are permitted to send sealed letters to, and receive sealed letters from, a specified class of persons and organizations including, but not limited to, the following: courts, counsel, officials of the confining authority, state and local chief executive officers, administrators of grievance systems, the Correctional Institution Inspection Committee (CIIC), and members of the paroling authority. If confidentiality is required, such mail must be clearly addressed reflecting one of the above addresses and be marked as "Legal Mail."

SUBJECT: Inmate Mail

PAGE 4 OF 5

12. Legal mail shall be opened and inspected for contraband only in the presence of the inmate addressee and in accordance with Administrative Rule 5120-9-18, Outgoing Mail.
13. Section VI.A.1 of this policy as it relates to copying colored letters and envelopes does not apply to Legal Mail. Legal Mail envelopes shall only be copied if there is a legitimate security concern and only copied in front of the inmate, if possible. The contents of Legal Mail should never be copied. If there is reason to copy the envelope, the original envelope shall be retained and attached to an Incident Report (DRC1000) which shall clearly state the security concern.
14. Legal Mail shall be logged on the Legal Mail Log (DRC2632) and delivered to the inmate addressee within 48 hours, excluding weekends and holidays or emergency situations.

B. 1st Class Mail Enclosures

Inmates may receive the following in a first-class letter:

- Five pages written/typed correspondence on plain white paper (no larger than 8 ½" x 11). Correspondence must be in blue or black ink only (no crayon or colored markers);
- Five photographs (no larger than 8 ½" x 11"), no nudes, no Polaroid;
- Five newspaper clippings (no larger than 8 ½" x 11");
- Five pamphlets or brochures (simple, single page, no larger than 8 ½" x 11"); bi fold or tri fold;
- Five pages of blank stationary or copied material, no larger than 8 ½" x 11" (including materials copied from the internet);
- Color greeting cards are permitted if they are commercially manufactured and have not been tampered. Greeting cards must be single fold only (multi-fold, musical and/or "pop out" cards are prohibited);
- Postage stamps, laminated stickers, glue, glitter, lipstick or perfume, etc. are prohibited.

Such enclosures are subject to screening and possible exclusion from the institution under Administrative Rule 5120-9-19, Printed Material, and ODRC policy 75-MAL-02, Printed Material.

- C. Letters which are incorrectly addressed may be returned to the sender after a reasonable effort to ascertain the addressee has failed.
- D. First class letters, legal mail, and packages shall be forwarded in a timely manner to the inmate's new address, if it is known, following an inmate's transfer or release. The inmate forwarding address shall be recorded either in the cashier's office or DOTS Portal, based on the offender's date of release. Both areas should be consulted to verify the forwarding address. All forwarding items shall be logged on the Mail Forwarding Log (DRC2633). All packages shall be logged on the Inmate Package Log (DRC2631) on DOTS Portal. If this information is not available in either location, first class letters or packages shall be returned to sender as established in section VI.D of this policy.

EXHIBIT D**SUBJECT: Inmate Mail****PAGE 5 OF 5**

- E. All other procedures for handling incoming and outgoing correspondence are contained in Administrative Regulations 5120-9-17, Incoming Mail, and 5120-9-18, Outgoing Mail.
- F. The mail department supervisor shall complete the Monthly Mail Report (DRC2316) and submit to the responsible deputy warden with a copy maintained at the institution.
- G. ODRC mailroom staff shall mail all inmates' outgoing mail only if it contains a completed federal tax return addressed to the Internal Revenue Service (IRS) to the following address: Internal Revenue Service, Blue Bag Program, Stop 975, 1040 Waverly Avenue, Holtsville, NY 11742. Mailroom staff shall also transmit the following data on the prison and on each prisoner associated with items mailed to the IRS: prison name and address; sending ODRC's staff name and telephone number; inmate's full name and inmate number; inmate's social security number; inmate's date of incarceration; and inmate's release date. The IRS will review the correspondence and take appropriate action. All other inmate's outgoing mail (excluding completed federal tax returns) addressed to the IRS should be mailed through the normal mailing process. Additional information on the Blue Bag Program is available via email: prisoner_file@irs.gov using "BBP" on the subject line or by calling the Blue Bag Hotline: 631-654-6191.

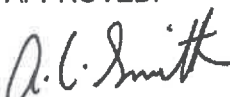
This procedure for the Blue Bag Program does not apply to incoming inmate mail from the IRS. The IRS requests ODRC to destroy IRS publications and blank IRS federal tax returns contained in incoming mail. ODRC policy 24-CAS-08, Inmate Refund Check, provides procedures for handling incoming mail from the IRS containing a federal refund check.

- H. A religious organization may send a religious medallion to an inmate subject to the possession limit, value limit, and certificate of ownership requirements of ODRC policy 61-PRP-01, Inmate Personal Property.

Related Department Forms:

Monthly Mail Report	DRC2316
Inmate Package Log	DRC2631
Legal Mail Log	DRC2632
Mail Forwarding Log	DRC2633
Decision of Withholding	DRC4148
Notice of Withholding	DRC4149
Notice of an Unauthorized Item Received	DRC4225



SUBJECT: Incarcerated Population Legal Mail	PAGE <u>1</u> OF <u>5</u> NUMBER: 75-MAL-03
RULE/CODE REFERENCE: AR 5120-9-17, 5120-9-18, 5120-9-19	SUPERSEDES: NEW
RELATED ACA STANDARDS: 5-ACI-7D-01, 7D-02, 7D-05 thru 7D-07 5-ACI-7D-09, 7D-10	EFFECTIVE DATE: February 1, 2022
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to set forth policy and procedures which govern legal mail.

III. APPLICABILITY

This policy applies to all incarcerated persons and staff of the Ohio Department of Rehabilitation and Correction (ODRC). In particular, this policy applies to mail clerks/screeners who process incoming mail.

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the policies page on the ODRC Intranet at the following:

Definitions Link

- **Certified Mail**
- **Legal Mail**
- **LMICN/LMINC DOTS Screens**

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to process mail in an efficient, timely manner and to regulate the property of incarcerated persons in accordance with Administrative Regulations 5120-9-17, Incoming Mail, and 5120-9-18, Outgoing Mail.

SUBJECT: Incarcerated Population Legal Mail

PAGE 2 OF 4

VI. PROCEDURES

A. Processing Incoming Legal Mail

1. Legal mail with a control number must be processed in the DOTS LMICN screen. Staff shall select the intended addressee and enter the information from the envelope into the DOTS LMICN screen. This must be accomplished within seventy-two (72) hours of receiving the mail at the facility, excluding weekends, holidays, or emergency situations. Staff shall document in the DOTS LMICN screen any circumstances requiring late delivery in the notes section associated with that piece of mail.
2. Staff shall visually inspect the envelope for obvious signs of contraband or anomalies. If there is no obvious indication that the mail contains contraband, staff shall proceed to the next step of this procedure. If there are obvious indications that the mail contains contraband, staff shall proceed to subsection VI.B below.
3. Staff shall log receipt of the mail on the Legal Mail Log (DRC2632) and open the mail only in the presence of the addressee. The addressee shall sign for receipt of the mail on the Legal Mail Log (DRC2632). Legal mail envelopes should be destroyed after the mail is opened in the presence of the addressee.
4. The contents of legal mail should never be copied.
5. Legal mail envelopes may be copied for legitimate security concerns and only copied in front of the addressee, if possible. If there is reason to copy the envelope, the original envelope shall be retained, an Incident Report (DRC1000) completed, and a notation made in the appropriate DOTS screen (e.g., LMICN or LMINC).
6. Expired Control Number: If a control number is present but has expired, staff should contact the sender to verify that they sent the item. If contacting the sender will not allow delivery of the legal mail within seventy-two (72) hours, staff should withhold the item and complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
 - a. If the sender verifies that they sent the mail, staff shall generate a control number in the DOTS LMINC screen. Staff shall enter and document this process in the notes section of the DOTS LMINC screen pertaining to the mail.
 - b. If staff are unable to verify that the item was sent with the intention of sending legal mail or the sender denies sending the letter, staff shall complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
 - c. Staff should be mindful that a control number may expire because of USPS delays and not by the sender's error. An expired control number is not conclusive evidence that legal mail is either contraband or regular mail.

SUBJECT: Incarcerated Population Legal Mail

PAGE 3 OF 4

7. Error in Control Number: If a control number is present on the item but the control number is not valid for any reason (e.g., the control number is fictitious, incomplete, illegible), the legal mail should be withheld, and staff should complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
8. Staff are encouraged to contact senders to resolve issues associated with legal mail with the goal of delivering the mail and not to withhold the mail.
9. Legal mail containing a disc(s) that had not been pre-approved per Administrative Rule 5120-9-19, Printed Material, shall be treated as contraband by the institution mailroom. The managing officer/designee shall determine the disposition pursuant to Administrative Rules 5120-9-17, Incoming Mail and 5120-9-55, Contraband.
10. Certified mail can be either legal mail or regular mail. Certified mail that meets the definition of legal mail shall be processed in accordance with this policy. Certified mail that is regular mail shall be processed in accordance with ODRC Policy 75-MAL-01, Incarcerated Population Mail.

B. Processing Legal Mail Suspected to Contain Contraband

1. Reasons to suspect legal mail may contain contraband include, but are not limited to, K9 Unit detection, wet or stained exterior, or evidence of tampering.
2. If an employee suspects that legal mail contains contraband during inspection or when opening the item in the presence of the addressee, the employee shall follow this procedure:
 - a. Withhold the item and complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
 - b. If the item is suspected to contain contraband, staff should attempt to contact the sender by phone or email to determine whether the item should be returned.
 - i. If the sender requests that the mail be returned, staff shall place the mail inside of a sealable plastic bag. A Notice of Return (DRC4378) will be attached to the plastic bag stating why the mail item is being returned and listing the items included in the bag. The Notice of Return (DRC4378) will also list the sending address, the receiving address, and postmarks of each item enclosed. The plastic bag with Notice of Return (DR4378) will then be placed inside of a large envelope and returned to the sending address. The outside envelope should be marked "Handle with Care."
 - ii. If the sender requests that the mail not be returned, the mail shall be treated as contraband in accordance with Administrative Rule 5120-9-55, Contraband and 310-SEC-43, Handling and Disposition of Contraband.

SUBJECT: Incarcerated Population Legal Mail

PAGE 4 OF 4

3. If testing confirms that the mail contains an illicit substance, staff should withhold the mail and complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below. An item that tests positive for an illicit substance should not be returned to the sender.

C. Process for Withholding Legal Mail (DRC4225)

1. Staff must note the reason for withholding the legal mail in the appropriate section on the Unauthorized Item Received/Withholding of Incoming Mail (DRC4225).
2. Staff must notify the addressee and the sender that legal mail is being withheld. Notification to the sender is made by contacting the sender by phone or email. A copy of the Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) may also be mailed to the sender.
3. The addressee has fifteen (15) days to appeal the withholding of legal mail. The managing officer/designee should decide the appeal within fifteen (15) days after receipt of the appeal. Staff should hold the legal mail (without opening, altering, or copying the legal mail) until a decision is made by the managing officer/designee on the appeal.
4. Staff should comply with the managing officer/designee's decision on appeal, as follows:
 - a. If the withholding is reversed, the legal mail should be delivered to the addressee.
 - b. If the withholding is affirmed, the item should not be delivered to the addressee. Staff should determine the appropriate disposition of the item. Options include but are not limited to returning the item to the sender if requested, delivering to the addressee as regular mail, disposal in accordance with Administrative Rule 5120-9-55, Contraband and ODRC Policy 310-SEC-43, Handling and Disposition of Contraband, or routing to a law enforcement agency.
5. Staff must notify the addressee and the sender of the disposition of the withheld legal mail.

D. Processing Outgoing Legal Mail

Outgoing legal mail shall not be opened other than in accordance with Administrative Rule 5120-9-18, Outgoing Mail.

Referenced ODRC Policies:

75-MAL-01 Incarcerated Population Mail
 310-SEC-43 Handling and Disposition of Contraband

Referenced Forms:

Legal Mail Log
 Notice of an Unauthorized Item Received/Withholding of Incoming Mail
 Notice of Return

DRC2632
 DRC4225
 DRC4378

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

A Joint Committee of the 134th Ohio General Assembly

HOUSE MEMBERS

Adam C. Miller, *Vice Chair*
Sedrick Denson
Gayle Manning
Jean Schmidt



SENATE MEMBERS

Nathan H. Manning, *Chair*
Hearcel F. Craig, *Secretary*
Sandra R. Williams

March 7, 2022

Richard Whitman 694724
Belmont Correctional Institution
P. O. Box 540
St. Clairsville, OH 43950

Dear Mr. Whitman:

Thank you for your recent letter to our agency. CIIC is a legislative committee that inspects Ohio prisons and evaluates programs, operations, conditions, and the grievance procedure. While CIIC does not have decision-making authority, we can provide you with information on Administrative Rules (ARs) and DRC policies as well as other helpful resources.

In the correspondence, the concern was in regards to the recent change to legal mail policies.

When used in DRC policies 75-MAL-01 and 75-MAL-03, legal mail is defined as mail that both has a "return address of an attorney-at-law, a public service law office, a law school legal clinic, court of law, or the correctional institution inspection committee" and is "marked with a valid control number provided by the department." Mail that does not have a valid control number will be treated as regular mail. Thus, requirements and procedures in 75-MAL-03 only apply to mail with a valid control number. Please make sure to communicate with any senders that they are aware of the new process.

If mail has a control number but cannot be certified for some reason, staff are to withhold the mail and notify both the addressee and the sender. This procedure is outlined in 75-MAL-03.

Any further discrepancies should be filed through the grievance procedure.

We take all complaints seriously; we noted the concerns in our database and will continue to monitor. Thank you for bringing these concerns to our attention.

Exhibit D

RICHARD WHITMAN A694724 BECI D70030B ID:1296322791 [P 1/1]

*You have received a **Jpay** letter, the fastest way to get mail*

From : JPay Representative
To : RICHARD WHITMAN, ID: A694724
Date : 10/4/2021 11:07:06 PM EST, Letter ID: 1296322791
Location : BECI
Housing : D70030B

Dear Incarcerated Person:

This message is to inform you that ODRC is changing how we process Legal Mail and we need your assistance.**

We have informed the legal community about these changes. The new process requires each piece of intended Legal Mail to have a control number on it. A control number is generated from ODRC's system after the sender registers on our ODRC website. (See link below).***

You can help avoid delays in receiving Legal Mail by telling your attorney, or other Legal Mail senders, about this new process. Here is some important information you can share:

Information about the new Legal Mail process can be found at: www.drc.ohio.gov/inmate-mail.

Register to send Legal Mail by clicking on the "Attorney Registration Site" link on the inmate mail page of our website.

View the Legal Mail policy (75-MAL-01) by clicking on the "Updated Policy" link on the inmate mail page of our website.

So far, ODRC has approved almost 700 applications to send Legal Mail into the facilities.** This is a great start, but we are asking for your help with informing your Legal Mail senders about the new process. ODRC will soon begin enforcing the requirement that all Legal Mail contain a control number. Mail that does not have a control number, even if it is stamped or marked "Legal Mail," will soon be treated as ordinary mail.** This means that it will be opened, copied and delivered to you as ordinary mail.

Change can sometimes be difficult, but we believe the new Legal Mail process will make our facilities safer for all. We are working closely with facility staff to make this change. Any questions about this process may directed to your facility staff.

Thank you,

ODRC Office of Legal Services

EXHIBIT D

Jpay Tell your friends and family to visit www.jpay.com to write letters and send money!